

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:02-00221

CRAIG CAMPBELL

MEMORANDUM OPINION AND ORDER

Pending before the court is the "Amended Motion of United States of America to Authorize Payment From Inmate Trust Account." (Doc. # 132). In its motion, the United States asks the court "to enter an Order authorizing the Bureau of Prisons to withhold and turnover to the Clerk of Court up to \$6,900.00 held in the inmate trust account" for defendant as payment towards the fine imposed in this case. See id. at p. 1. According to the government, as of April 28, 2015, the balance on defendant's \$10,000.00 fine is \$6,900.00. The government further alleges that the approximate amount in defendant's BOP trust account is \$5,024.16. However, even though defendant is current on the fine payment schedule ordered by the court at sentencing, pursuant to 18 U.S.C. §§ 3613(a) and 3664(n),\* the United States asks for the immediate turnover of up to \$6,900.00, an amount which would wipe out defendant's trust account. Defendant has filed a number of documents on his own behalf objecting to the government's motion.

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\* The government asks for immediate payment, not a modification under 18 U.S.C. § 3572(d)(3) to the payment schedule previously imposed.

Given the due process concerns as well as the other issues that are presented by the government's motion, the court **DIRECTS** the Federal Public Defender to undertake representation of the defendant for purposes of the motion discussed herein. If the Federal Public Defender is unable to represent defendant, it should so notify the court. The court further **DIRECTS** that, within thirty days of the entry of this Order, the defendant shall file a response to the government's motion addressing all relevant issues.

The Clerk is **DIRECTED** to send a copy of this Memorandum Opinion and Order to defendant, the United States Attorney, and the Federal Public Defender.

IT IS SO ORDERED this 17th day of June, 2015.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge